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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 002124

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR J. FRAZER  
LONDON FOR C. GURNEY  
PARIS FOR C. NEARY  
NAIROBI FOR T. PFLAUMER  
DS/OP/AF

E.O. 12958: DECL: 12/31/2013  
TAGS: [PGOV](#) [PHUM](#) [PINR](#) [ASEC](#) [ZI](#)  
SUBJECT: 70 NCA ARRESTEES CHARGED, SOME STILL DETAINED,  
MANY RELEASED

REF: HARARE 2100

Classified By: Political Officer Audu Besmer for reasons 1.5 b/d

[11.](#) (C) SUMMARY: On October 22, police arrested over a hundred NCA demonstrators, beat some, and released up to a hundred without charge on October 22. Seventy were charged on October 23. Many of those paid a fine and signed an admission of guilt statement; some refused to pay or sign and were still in police custody on October 24. The swift crackdown demonstrates that ZANU-PF has no intention of allowing public opposition to the regime gather momentum. The MDC has been quietly absent from this and other recent events, focused instead on its election petition, the treason trial, and grass-roots efforts to build party unity in outlying areas. END SUMMARY.

[12.](#) (U) On October 22, police arrested over a hundred demonstrators, including National Constitutional Assembly (NCA) Director Dr. Lovemore Madhuku, during a demonstration organized by the NCA along Sam Nujoma Street near Africa Unity Square in downtown Harare (Ref). On October 23, Police charged 70 of the demonstrators under the Miscellaneous Offenses Act for conduct likely to cause a breach of the peace, and under the Traffic Code for obstructing traffic. A prominent lawyer representing some of the arrestees, Beatrice Mtetwa, said that police originally intended to charge the arrestees under the Public Order and Security Act (POSA), but the Attorney General intervened and told police to charge them as above.

[13.](#) (U) The police reportedly released NCA Director Madhuku and an unknown number of the 70 late in the evening of October 23; those released paid a fine and signed an admission of guilt statement. Of the 70 charged, those who refused to either pay the fine or sign the statement were still being held on October 24.

[14.](#) (U) Late in the evening of October 22, police released up to a hundred demonstrators without charge. On October 22, lawyers were denied access to the demonstrators for several hours until late in the evening when police allowed one lawyer in to speak with the arrestees. By October 23, lawyers were given full access.

[15.](#) (U) The Herald reported that the demonstrators were arrested in downtown Harare while they were singing songs denouncing the government and marching along Sam Nujoma Street from Africa Unity Square. Observers said the demonstration was peaceful until riot police started to disperse onlookers and arrest demonstrators.

[16.](#) (U) In statements carried in government-controlled The Herald, NCA information officer Ernest Mudzengi said that his organization had not sought police clearance for the demonstration.

[17.](#) (U) Doctors reportedly were examining some of those who were released for injuries sustained while in police custody; however, Embassy has no figures on casualties.

[18.](#) (U) NCA officials said they would release a formal statement on October 24 concerning the events.

[19.](#) (SBU) Ben Zulu, a stringer for the Voice of America (VOA), was arrested as part of the NCA demonstrations. According to his attorney, Zulu attempted to explain to police that he was not a demonstrator but just a reporting journalist; however, he was arrested anyway. One of the lawyers said police had roughed up Zulu.

[110.](#) (U) Two Herald journalists and one from the Independent were held briefly on October 22 but released without charge.

[111.](#) (U) Lawyers said they intended to file a petition complaining that they were initially forcefully denied access to the arrestees.

[112.](#) (C) COMMENT: The swift crackdown against these NCA marchers demonstrates that the ruling ZANU-PF has no

intention of allowing any public opposition to take hold and potentially spiral out of control. Indeed, police readiness to act quickly against regime critics has been effective: there has been no meaningful public outcry, or expression of outrage at recent repression including the arrest of Zimbabwe Congress of Trade Unions (ZCTU) leaders, or the closure of The Daily News in September.

13. (C) Throughout all of this, the MDC has been quietly absent, or at least staying out of the limelight. This may be attributed in part to the absence of The Daily News. The MDC did issue public statements in support of ZCTU, and condemning the closure of The Daily News, but it seems inwardly focused and absorbed with its election petition, due to get underway in court on November 3; the treason trial of its President, Morgan Tsvangirai; and grass-roots efforts to build party unity and consolidate municipal gains in outlying areas.  
SULLIVAN